

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>LESTER G. MURPHY, SR.,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>No. 3:08-1122</b>
<b>v.</b>	)	<b>JUDGE ECHOLS</b>
	)	
<b>HUMPHREYS COUNTY JUVENILE</b>	)	
<b>COURT, JUDGE ANTHONY SANDERS,</b>	)	
<b>et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

Pending before the Court is the Report and Recommendation entered by the United States Magistrate Judge on February 27, 2009 (Docket Entry No. 30), recommending denial of *pro se* Plaintiff Lester G. Murphy's Motion for a Temporary Restraining Order (Docket Entry No. 5), to which no response was filed. Also pending is the Report and Recommendation ("R&R") entered on February 27, 2009 (Docket Entry No. 32) recommending denial of Plaintiff's Motion for Summary Judgment (Docket Entry No. 18), to which Defendant Humphreys County Juvenile Court Judge Anthony Sanders and Defendant Viola Miller, Commissioner of the Tennessee Department of Children's Services, filed responses in opposition (Docket Entry Nos. 22 & 23).

Following entry of the R&Rs, Plaintiff filed a "Motion To Ammend (sic) Plaintiffs Pleadings and Fed. Rules of Civ.Proc. Rule 72(b) Response" (Docket Entry No. 34.) In addition to objecting to the recommendations in the R&Rs, Plaintiff asks the Court to review the Magistrate Judge's Order (Docket Entry No. 31) denying his Motion for a Declaration of Pendent Jurisdiction (Docket Entry No. 6) and Motion for a Provisional Remedy (Docket Entry No. 7.) Plaintiff does not make any specific objections about the Magistrate Judge's R&Rs and Order to explain why those rulings

are erroneous as a matter of fact or law. Plaintiff merely asks the Court to liberally construe his *pro se* filings and allow him an opportunity to file a summary judgment motion that complies with the Rules. Defendant Sanders filed a response to Plaintiff's Rule 72(b) Objections (Docket Entry No. 35).

With regard to an R&R, Federal Rule of Civil Procedure 72(b) requires a party to make "specific written objections to the proposed findings and recommendations." When a party makes such objections, the Court "shall make a *de novo* determination of the matter and may conduct a new hearing, take additional evidence, recall witnesses, recommit the matter to the Magistrate Judge for further proceedings and consideration, conduct conferences with counsel for the affected parties, and receive additional arguments, either oral or written, as the District Judge may desire." L.R.M.P. 9(b)(3). When a party seeks review of a Magistrate Judge's Order, the party "shall state with particularity that portion of the order for which review is sought and shall be accompanied by sufficient documentation including, but not limited to, briefs, affidavits, pertinent exhibits, and if necessary, transcripts of the record to apprise the District Judge of the basis for the appeal." L.R.M.P. 9(a)(1). An Order of a Magistrate Judge may be set aside if it is clearly erroneous or contrary to the law or in the interest of justice. Id.

Plaintiff did not make objections that were sufficiently specific to require this Court to conduct a *de novo* review of the matters discussed in the R&Rs or to set aside the Magistrate Judge's Order. While Plaintiff is correct that his *pro se* filings are entitled to a liberal construction, the Magistrate Judge gave Plaintiffs' filings the appropriate liberal construction and explained in the R&Rs and the Order why Plaintiffs' motions should be denied.

Moreover, having reviewed Plaintiff's filings, the R&Rs and the Order, the Court finds no error of fact or law. Accordingly,

(1) the two R&Rs entered on February 27, 2009 (Docket Entry Nos. 30 & 32), recommending denial of Plaintiff's Motion for a Temporary Restraining Order (Docket Entry No. 5) and denial of Plaintiff's Motion for Summary Judgment (Docket Entry No. 18) are hereby ACCEPTED;

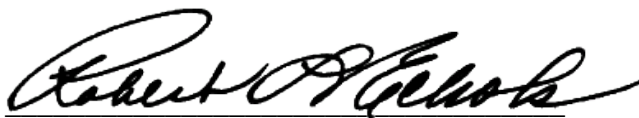
(2) Plaintiff's Motion for a Temporary Restraining Order (Docket Entry No. 5) is hereby DENIED;

(3) Plaintiff's Motion for Summary Judgment (Docket Entry No. 18) is hereby DENIED; however, this denial is without prejudice to Plaintiff having the opportunity to file a summary judgment motion that complies with the Federal Rules of Civil Procedure and the Local Rules of this District within the deadlines set by a Scheduling Order that may be entered by the Magistrate Judge;

(4) Plaintiff's motion for review of the Magistrate Judge's February 27, 2009 Order (Docket Entry No. 31) is hereby GRANTED to the extent the Court conducted a review, but Plaintiff's request to overturn the Order is hereby DENIED; and

(5) this case is hereby returned to the Magistrate Judge under the Order of reference. (Docket Entry No. 14.)

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE